

Article - Estates and Trusts

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§9–209.

(a) Subject to subsections (b) through (k) of this section, delivery of a disclaimer may be effected by personal delivery, first-class mail, or any other method likely to result in its receipt.

(b) In the case of an interest created under the law of intestate succession or an interest created by will, other than an interest in a testamentary trust:

(1) A disclaimer shall be delivered to the personal representative for the decedent's estate; or

(2) If there is no personal representative, it shall be filed with a court having jurisdiction to appoint the personal representative.

(c) In the case of an interest in a testamentary trust:

(1) A disclaimer shall be delivered to the trustee, or if no trustee is then serving, to the personal representative of the decedent's estate; or

(2) If there is no personal representative, it shall be filed with a court having jurisdiction to enforce the trust.

(d) (1) In the case of an interest in an inter vivos trust, a disclaimer shall be delivered to the trustee.

(2) If there is no trustee, it shall be filed with a court having jurisdiction to enforce the trust.

(3) If the disclaimer is made before the time the instrument creating the trust becomes irrevocable, it shall be delivered to the settlor of a revocable trust or the transferor of the interest.

(e) In the case of an interest created by a beneficiary designation made before the time the designation becomes irrevocable, a disclaimer shall be delivered to the person making the beneficiary designation.

(f) In the case of an interest created by a beneficiary designation made after the time the designation becomes irrevocable, a disclaimer shall be delivered to the person obligated to distribute the interest.

(g) In the case of a disclaimer by a surviving holder of jointly held property, the disclaimer shall be delivered to the person to whom the disclaimed interest passes.

(h) In the case of a disclaimer by an object or taker in default of exercise of a power of appointment at any time after the power was created:

(1) The disclaimer shall be delivered to the holder of the power or to the fiduciary acting under the instrument that created the power; or

(2) If there is no fiduciary, it shall be filed with a court having authority to appoint the fiduciary.

(i) In the case of a disclaimer by an appointee of a nonfiduciary power of appointment:

(1) The disclaimer shall be delivered to the holder, the personal representative of the holder's estate, or to the fiduciary under the instrument that created the power; or

(2) If there is no fiduciary, it shall be filed with a court having authority to appoint the fiduciary.

(j) In the case of a disclaimer by a fiduciary of a power over a trust or estate, the disclaimer shall be delivered as provided in subsection (b), (c), or (d) of this section as if the power disclaimed were an interest in property.

(k) In the case of a disclaimer of a power by an agent, the disclaimer shall be delivered to the principal or the principal's representative.

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